

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOCKINGBIRD 38, LLC,

Plaintiff,

-v-

DEARJULIUS.COM INC.,

Defendant.

21 Civ. 61 (PAE)


ORDER

PAUL A. ENGELMAYER, District Judge:

On January 5, 2021, plaintiff filed the complaint in this action. Dkt. 1. On January 14, 2021, service of process was executed on defendant. *See* Dkt. 8. On February 8, 2021, after defendant failed to appear or answer the complaint, plaintiff obtained a Clerk's certificate of default. Dkt. 13. However, plaintiff had not moved for a default judgment or taken any other action in this case. On April 1, 2021, the Court issued an order to show cause why this action should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41. Dkt. 14. That order advised that cause may be shown by filing a motion for default judgment with the Court by April 12, 2021, and that "[f]ailure to submit a timely and proper motion for default judgment will result in dismissal of this case under Rule 41." *Id.* Plaintiff has not taken that step, defendant has still not appeared, and no progress has been made in this case.

Accordingly, the Court dismisses this case, without prejudice, pursuant to Federal Rule of Civil Procedure 41. The Clerk of Court is respectfully directed to close this case.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: April 13, 2021
New York, New York